



House of Representatives

General Assembly

File No. 308

January Session, 2001

Substitute House Bill No. 6858

House of Representatives, April 17, 2001

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THEFT OF UTILITY SERVICE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Subdivision (15) of section 53a-119 of the general statutes is repealed
2 and the following is substituted in lieu thereof:

3 (15) Theft of utility service. A person is guilty of theft of utility
4 service when [he] such person intentionally obtains electric, gas, water,
5 telecommunications, wireless radio communications or community
6 antenna television service that is available only for compensation: (A)
7 By deception or threat or by false token, slug or other means including,
8 but not limited to, electronic or mechanical device or unauthorized use
9 of a confidential identification or authorization code or through
10 fraudulent statements, to avoid payment for the service by [himself]
11 such person or another person; or (B) by tampering or making
12 connection with or disconnecting the meter, pipe, cable, conduit,
13 conductor, attachment or other equipment or by manufacturing,
14 modifying, altering, programming, reprogramming or possessing any

15 device, software or equipment or part or component thereof or by
16 disguising the identity or identification numbers of any device or
17 equipment utilized by a supplier of electric, gas, water,
18 telecommunications, wireless radio communications or community
19 antenna television service, without the consent of such supplier, in
20 order to avoid payment for the service by [himself] such person or
21 another person; or (C) with intent to avoid payment by [himself] such
22 person or another person for a prospective or already rendered service
23 the charge or compensation for which is measured by a meter or other
24 [mechanical] measuring device provided by the supplier of the service,
25 by tampering with such meter or device or by attempting in any
26 manner to prevent such meter or device from performing its
27 measuring function, without the consent of the supplier of the service.
28 [There shall be a rebuttable presumption that the person to whom the
29 service is billed has the intent to obtain the service and to avoid
30 making payment for the service if, without the consent of the supplier
31 of the service] In any prosecution for theft of utility service, evidence
32 that any of the following actions have occurred without the consent of
33 the supplier of the service shall be prima facie evidence that the person
34 to whom the service is billed or, if the premises are master-metered,
35 the landlord or, if the service supplier does not have a current
36 customer account for the premises, the person in possession of the
37 premises, has the intent to obtain the service and to avoid making
38 payment for the service: (i) Any meter, pipe, cable, conduit, conductor,
39 attachment or other equipment has been tampered with or connected
40 or disconnected, (ii) any device, software or equipment or part or
41 component thereof has been modified, altered, programmed,
42 reprogrammed or possessed, (iii) the identity or identification numbers
43 of any device or equipment utilized by the supplier of the service have
44 been disguised, or (iv) a meter or other [mechanical] measuring device
45 provided by the supplier of the service has been tampered with or
46 prevented from performing its measuring function. [The presumption
47 does not apply] Evidence of any of such actions shall not constitute

48 prima facie evidence of an intent to obtain the service and to avoid
49 making payment for the service (I) if the person to whose service the
50 condition applies has received such service for less than thirty-one
51 days, or (II) if the service supplier has a current customer account for
52 the premises, until the service supplier has made at least one meter or
53 service reading and provided a billing statement to the person as to
54 whose service the condition applies, [. The presumption does not
55 apply] or (III) with respect to wireless radio communications.

JUD **JOINT FAVORABLE SUBST.**

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: Potential Cost, Potential Minimum Revenue Gain

Affected Agencies: Various Criminal Justice Agencies

Municipal Impact: None

Explanation**State Impact:**

This bill could make it easier to convict someone of larceny for the theft of utility services. This could result in additional costs to criminal justice agencies through a greater number of cases being prosecuted, adjudicated and punished. Such costs would be dependent on the extent and disposition of additional cases, which is unknown. There could also be a minimal revenue gain (less than \$5,000) from increased imposition of fines.

Background

Under current law, less than 20 people per year are prosecuted for theft of electric utility services. It is not uncommon for the amount of theft in these cases to be in the range of several thousand dollars. Information on the prosecutions of theft of other utility services is not available.

The penalties for larceny are based upon value of the property

taken. Larceny in the 6th Degree (when the value of the property is \$250 or less) is the most common form of Larceny and accounts for 60% of all larceny offenses. During 2000, about 14,000 of these offenses occurred and the state collected \$182,000 in fines. At any time during 2000, there were about 180 people incarcerated related to this crime. The cost of incarcerating 180 people for a year is, on average, about \$5.48 million including fringe benefits.

OLR BILL ANALYSIS**sHB 6858*****AN ACT CONCERNING THEFT OF UTILITY SERVICE.*****SUMMARY:**

Under current law, larceny includes the theft of electric, gas, water, telecommunications, wireless radio communications, and community antennae service available only for compensation. This includes intentionally tampering with a meter or mechanical measuring device provided by a service provider to avoid paying. The bill expands this to apply to tampering with any measuring device rather than just mechanical ones.

Under current law, when certain acts occur, they are presumed to be done by the person to whom the utility service is billed with the intent to avoid payment for the service. The person can present evidence to rebut the presumption. The bill makes these acts prima facie evidence that the person intends to avoid payment. It also extends the prima facie evidence standard for such acts to a (1) person in possession of the premises if there is no current customer account or (2) landlord if the premises have a master-meter. Prima facie evidence is evidence which on its face, and absent contradictory evidence, is sufficient to establish a fact.

As under current law, the acts involved are: (1) tampering with, connecting, or disconnecting a meter, pipe, cable, conduit, conductor, attachment, or equipment; (2) modifying, altering, programming, reprogramming, or possessing a device, software, or equipment (or a part or component of one); (3) disguising the identity or identification number of a device or equipment used by the supplier; or (4) tampering with or preventing a meter or mechanical measuring device provided by the supplier from performing its measuring function. The bill expands this last category to apply to tampering with any measuring device rather than just mechanical ones.

Under current law, the presumption does not apply in some

circumstances. These same exclusions apply to the bill's prima facie rule but it specifies that the exclusion when the service supplier has not made at least one meter or service reading and provided a billing statement to the person applies only when the service supplier has a current customer account for the premises.

EFFECTIVE DATE: October 1, 2001

BACKGROUND

Larceny

A person is guilty of larceny when he wrongfully takes property from its owner with the intent of depriving him of the property or appropriating it to himself or another. The punishment depends on the value of the property taken, ranging from a class C misdemeanor when the value of the property taken is less than \$250 to a class B felony when the value of the property taken is over \$10,000.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 40 Nay 0